

REMARKS

Claims 14-27 were previously pending in the application. Claims 14-27 remain unchanged. Claims 14 and 27 are independent.

The Claimed Invention

An exemplary embodiment of the claimed invention, as recited by, for example, independent claim 14, is directed to a refrigeration appliance, comprising a carrier module located on the insulated housing; the carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in said inner area depending on a temperature measuring signal related to the temperature in said inner area, at least one of an operating element for at least one of adjusting an operational parameter of said refrigeration appliance and a display element for displaying an operational parameter of said refrigeration appliance, and at least one illuminating agent for illuminating at least some of said inner area.

In conventional refrigeration appliance housings, the inner cavity commonly can be used to mount electronic parts that control the function of the refrigeration appliance. These electronic components must be connected electrically to a plurality of structural groups of the appliance, thereby increasing the costs to manufacture the appliance.

In stark contrast, the present invention provides a carrier module located on the insulated housing; the carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in the inner area depending on a temperature measuring signal related to the temperature in the inner area, at least one of

an operating element for at least one of adjusting an operational parameter of the refrigeration appliance and a display element for displaying an operational parameter of the refrigeration appliance, and at least one illuminating agent for illuminating at least some of the inner area.

In this manner, the present invention provides a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. The present invention can reduce the installation of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

The Rejections over the Miozza et al reference

In the Office Action, claims 14-17, 21, and 24-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by, or alternatively under 35 U.S.C. § 103(a) as being unpatentable over, the Miozza et al reference (US 6,880,949).

Applicants respectfully traverse these rejections.

Applicants respectfully submit that the Miozza et al reference very clearly does not disclose or suggest the features of the claimed invention including a carrier module located on the insulated housing, the carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in the inner area

depending on a temperature measuring signal related to the temperature in the inner area, at least one of an operating element for at least one of adjusting an operational parameter of the refrigeration appliance and a display element for displaying an operational parameter of the refrigeration appliance, and at least one illuminating agent for illuminating at least some of the inner area, as recited in independent claim 14.

As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. In this manner, the present invention can reduce the installation of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance.

The Miozza et al reference very clearly does not teach or suggest these features. Instead, the Miozza et al reference merely discloses a quick chill and quick thaw pan mullion assembly 124 for an interior of a refrigerator. The quick chill and quick thaw pan mullion assembly 124 is disposed over a slide-out bottom drawer or pan 122 in the refrigerator compartment, not on the insulated housing of the refrigerator that forms the compartment.

In the Response to Arguments and the grounds of rejection over the Miozza et al reference, the Office Action takes the position that the housing of the Miozza et al reference (as illustrated in the modified Figure 2 of the Office Action) inherently has

some insulated properties (as all materials allegedly do) and allegedly continues to read on the claims as recited.

M.P.E.P. § 2111 states that “[d]uring patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” [...] the “PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant’s specification.”). [...] The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.”

Applicants respectfully submit that the Office Action’s position that all materials inherently have some insulated properties, and therefore, that the housing of Miozza et al reference inherently is insulated, clearly fails to give the claimed term “insulated” its broadest reasonable interpretation consistent with the specification, or its ordinary usage as would be understood by one of ordinary skill in the art.

Indeed, if all materials reasonably were interpreted to be “insulated” irrespective of whether they are described as being insulated, then the term “insulated” would be rendered meaningless. Clearly, it would not be reasonable to interpret the claims in a manner that would render the claimed term to be meaningless.

Moreover, one of ordinary skill in the art, after reading the specification of the present application, clearly would not reasonably interpret an insulated housing to mean any housing formed from any material.

Furthermore, the interpretation that all materials inherently are insulated clearly is inconsistent with the specification of the present application. For example, the present application clearly discloses that the refrigerator includes a body 1 and door 2 having a double-shell construction with an inside wall 3 and an outer wall 4 tightly enclosing a cavity 5 filled with insulating foam. The carrier module is located on the insulated housing 1, 2 as illustrated for example, in Figure 1.

As explained above, the present invention describes that these features provide a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. In this manner, the present invention can reduce the installation of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Thus, the Office Action's position that all materials inherently have some insulated properties, and therefore, that the housing of the Miozza et al reference inherently is insulated, clearly fails to give the claimed term "insulated" its broadest reasonable interpretation consistent with the specification, or its ordinary usage as would be understood by one of ordinary skill in the art. Hence, the Office Action fails to establish that the features of independent claim 14 are anticipated by the Miozza et al reference.

Additionally, in the Response to Arguments and the grounds of rejection over the Miozza et al reference, the Office Action takes the position that, even if one disagrees with the positions set forth in the rejection under 35 U.S.C. § 102, it would have been obvious to one of ordinary skill in the art as a simple matter involving predictable results to further insulate the housing of the Miozza et al reference for the purpose of reducing heat exchange between the compartment and the rest of the refrigerator when the temperature within the compartment is set at a different temperature.

Applicants respectfully submit that it would not have been obvious to modify the Miozza et al reference in the manner alleged in the Office Action. Indeed, the Office Action makes the conclusory statement that such would have been obvious because "to one of ordinary skill in the art as a simple matter involving predictable results to further insulate the housing of the Miozza et al reference for the purpose of reducing heat exchange between the compartment and the rest of the refrigerator when the temperature within the compartment is set at a different temperature." Appellant respectfully submits that such a conclusory statement is insufficient to provide a prima facie case for obviousness because the Office Action fails to provide an adequate rationale for modifying the prior art as required by KSR International v. Teleflex Inc. 82 U.S.P.Q. 2d 1385 (2007).

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness." (In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006) cited with approval in KSR).

The Office Action does not provide an articulated reasoning with any rationale underpinning to support a legal conclusion of obviousness. As such, the Office Action fails to present a prima facie case for obviousness.

Indeed, the Miozza et al reference clearly fails to even address or contemplate the problems being solved by the present invention. Thus, one of ordinary skill in the art would not have been motivated to modify the features of the Miozza et al reference to arrive at the features of independent claim 14.

The Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14.

As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. In this manner, the present invention can reduce the installation of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance.

Independent claim 27 is patentable over the Miozza et al reference for the same reasons.

Additionally, the Miozza et al reference very clearly does not disclose a compartment formed in an upper cover of the insulated housing, and a carrier module located in the insulated housing compartment, as recited in claim 27. As explained above, these features are important for providing a compact, integral arrangement of

functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. In this manner, the present invention can reduce the installation of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance.

In stark contrast, the Miozza et al reference merely discloses a quick chill and quick thaw pan mullion assembly 124 for an interior of a refrigerator. The quick chill and quick thaw pan mullion assembly 124 is disposed over a slide-out bottom drawer or pan 122 in the refrigerator compartment, not on the insulated housing of the refrigerator and not in a compartment formed in an upper cover of the insulated housing, as recited in claim 27

The Miozza et al reference very clearly does not teach or suggest all of the features of independent claims 14 and 27.

Applicants respectfully request withdrawal of these rejections.

The Additional Rejections under 35 U.S.C. § 103

In the Office Action, claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over by the Miozza et al reference in view of the Bourner reference (US 4,285,391). Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miozza et al reference in view of the Graf reference (DE 3404256). Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miozza et al reference, the Graf

reference, and further in view of the Meuer reference (US 2,206,102). Claims 22 and 23 are rejected under 35 U.S.C. § 103(a) as being obvious over the Miozza et al reference in view of the Lee et al reference (US 2002/0071903).

Applicants respectfully traverse these rejections.

As explained above, the Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14. None of the applied references makes up for the deficiencies of the Miozza et al reference.

Applicants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention including a carrier module located on the insulated housing, the carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in the inner area depending on a temperature measuring signal related to the temperature in the inner area, at least one of an operating element for at least one of adjusting an operational parameter of the refrigeration appliance and a display element for displaying an operational parameter of the refrigeration appliance, and at least one illuminating agent for illuminating at least some of the inner area, as recited in independent claim 14.

As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. In this manner, the present invention can reduce the installation

of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance.

Applicants respectfully request withdrawal of these rejections.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 14-27 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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